

UNITED STATES DISTRICT COURT

for the

Southern District of Alabama

Southern Division

Rassan M Tarabein

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

1. Judge William E. Scully

2. Brenda Ganey

3. Baldwin County Circuit Court, AL

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Case No.

24-cv-274-TFM-MU

(to be filled in by the Clerk's Office)

FILED AUG 5 7 24 PM 4 02 USDCALIS

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS
(Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name Rassan M. Tarabein
 All other names by which
 you have been known:
 ID Number Pro Se
 Current Institution Montgomery EPC
 Address 1001 Willow Street
Montgomery AL 36112
 City State Zip Code

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name Willaim E. Scully
 Job or Title (*if known*) Circuit Court judgerin Baldwin County
 Shield Number
 Employer Circuit County Court in Baldwin Co., AL
 Address 312 Courthouse Square
Bay Minette AL 36507
 City State Zip Code
☒ Individual capacity ☒ Official capacity

Defendant No. 2

Name Brenda Q Ganey
 Job or Title (*if known*) Circuit Court Clerk
 Shield Number
 Employer Baldwin County Circuit Court, Alabama
 Address 312 Courthouse Square
Bay Minette AL 36507
 City State Zip Code
☒ Individual capacity ☒ Official capacity

Defendant No. 3

Name Baldwin County Circuit CourtJob or Title *(if known)* _____

Shield Number _____

Employer _____

Address 312 Courthouse SquareBay Minette
CityAL
State36507
Zip Code☐ Individual capacity ☒ Official capacity

Defendant No. 4

Name _____

Job or Title *(if known)* _____

Shield Number _____

Employer _____

Address _____

City

State

Zip Code

☐ Individual capacity ☐ Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against *(check all that apply)*:☐ Federal officials (a *Bivens* claim)☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (*check all that apply*):

- ☐ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☐ Convicted and sentenced state prisoner
- ☒ Convicted and sentenced federal prisoner
- ☐ Other (*explain*) _____

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

Claim arose from Baldwin County Circuit Court proceedings

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

- C. What date and approximate time did the events giving rise to your claim(s) occur?

Since December 19th, 2023 till present.

- D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

Judge Scully and his court clerk, B.Q. Ganey violated my constitutional rights under the First, Fifth and Fourteenth amendments by demonstrating bias, favoritism, and judicial misconduct throughout my divorce proceedings. Defendants specifically denied my mediation requests, ignored and/or neglected and denied my motions, fabricated false statements in the divorce decree, assumed illegitimate jurisdiction and failed to address conflict of interest involving my attorney, who also represented the wife/plaintiff in the divorce case.

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

The defendants acts inflicted enormous pain and sufferings as well as irreparable damage .

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

I, the plaintiff in this complaint am seeking declaratory and injunctive relief, compensatory and punitive damages, and any other remedy that this honorable court deems as just and fair.

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

Montgomery FPC in Alabama

B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes

☐ No

☐ Do not know

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☐ Yes

☒ No

☐ Do not know

If yes, which claim(s)?

- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☐ Yes

☒ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☒ No

- E. If you did file a grievance:

1. Where did you file the grievance?

2. What did you claim in your grievance?

3. What was the result, if any?

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. *(Describe all efforts to appeal to the highest level of the grievance process.)*

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

There is no grievance for such cases here at Montgomery FPC

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

N/A

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

This is a divorce case, FPC has nothing to do with it.

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

☐ Yes

☒ No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

- B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition. _____

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

- C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

☐ Yes

☒ No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition _____

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: July 28th, 2024

Signature of Plaintiff



Printed Name of Plaintiff

Dorian M. Tarabein

Prison Identification #

16872-003

Prison Address

1001 Willow Street

Montgomery

City

AL

State

36112

Zip Code

B.

~~For Attorneys~~

ATTACHED ARE:

~~XXXXXXXXXX~~

1. Complaint, detailed 2 pages

2. Complainant motion of appeal before

Alabama Court of Civil Appeals 5 pages

with 4 exhibits (A,B,C,and D) total 9 pages

~~XXXXXXXXXXXXXXXXXXXX~~

Total Pages attached (excluding the 11 pages of this form are 27 pages.

~~XXXXXXXXXXXXXXXXXXXX~~

~~Bar Number~~

~~NAME OF LAW FIRM~~

~~ADDRESS~~

City

State

Zip Code

Telephone Number

E-mail Address

United States District Court

Plaintiff, Pro Se

vs.

Judge William Scully

Defendant

**Case No.

Complaint for Violation of Civil Rights under 42 U.S.C. § 1983

I. Introduction

1. This is a civil rights action brought pursuant to 42 U.S.C. § 1983 for declaratory, injunctive, and monetary relief against Judge William Scully, a judge of the Circuit Court of Baldwin County, Alabama, for violations of the Plaintiff's constitutional rights under the First, Fifth, and Fourteenth Amendments to the United States Constitution.

II. Jurisdiction and Venue

2. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1343(a)(3) and (4) because this action arises under the Constitution and laws of the United States.

3. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b) because the events giving rise to this claim occurred in Baldwin County, Alabama, which is within the jurisdiction of this Court.

III. Parties

4. Plaintiff, Rassan M. Tarabein, is an individual residing in Montgomery FPC, and was at all relevant times acting pro se in a divorce proceeding in Baldwin County, Alabama.

5. Defendant, Judge William Scully, is a judge of the Circuit Court of Baldwin County, Alabama, acting under color of state law in his official capacity. Judge Scully is sued in his individual and official capacities.

IV. Factual Allegations

6. Plaintiff was involved in a divorce case in the Circuit Court of Baldwin County, presided over by Judge William Scully.

7. Judge Scully demonstrated bias and favoritism towards the plaintiff in the divorce case, as evidenced by his prompt and favorable treatment of all motions and pleadings filed by the plaintiff while neglecting and/or ignoring the Plaintiff's motions and pleadings.

8. Judge Scully refused to allow mediation or faith-based counseling, despite Plaintiff's repeated requests, which is permitted under Alabama Code § 30-2-8.1.

9. Judge Scully included false statements in the divorce decree, such as claiming that the couple lived in Baldwin County during their separation, when in fact they never separated while residing there.

10. Judge Scully ignored clear conflicts of interest and ethical violations involving the plaintiff's attorney, Brian Dasinger, who was previously Plaintiff's attorney with a long-standing personal and business relationship.

11. Reliable sources indicate that Brian Dasinger received a \$100,000 payment from a wealthy individual in the United Arab Emirates to expedite the divorce proceedings. Judge Scully's actions in rushing the divorce decree suggest complicity in this unethical conduct.

12. Judge Scully failed to provide any guidance or instruction to Plaintiff, a pro se litigant, thereby exacerbating Plaintiff's significant disadvantages and hardships, including limited access to legal resources while incarcerated.

13. Judge Scully failed to ensure that Plaintiff received periodic updates on the case docket, leading to significant disadvantages in preparing Plaintiff's defense.

14. Judge Scully continued to preside over the case despite clear jurisdictional issues, as neither party resided in Baldwin County when the divorce was filed, nor within six months prior.

V. Claims for Relief

Count 1: Violation of Due Process (Fifth and Fourteenth Amendments)

15. Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 14 as if fully set forth herein.

16. Judge Scully's actions deprived Plaintiff of liberty and property without due process of law, in violation of the Fifth and Fourteenth Amendments to the United States Constitution.

****Count 2: Violation of Equal Protection (Fourteenth Amendment)****

17. Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 16 as if fully set forth herein.

18. Judge Scully's biased and preferential treatment of the plaintiff in the divorce case deprived Plaintiff of equal protection of the laws, in violation of the Fourteenth Amendment to the United States Constitution.

****Count 3: Violation of First Amendment Rights****

19. Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 18 as if fully set forth herein.

20. Judge Scully's refusal to allow mediation or faith-based counseling, despite Plaintiff's repeated requests, infringed upon Plaintiff's First Amendment rights to free exercise of religion.

Judge Scully and his court clerk are both no strangers to misconduct and corruption. He was sued before this honorable Court for committing similar violations and dishonorable conducts.

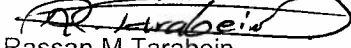
In the United States Federal Court; Philips v. Scully: Judge Scully and his court clerk committed several violations and unethical shameful acts, almost identical to what they did in this case, from stepping over their jurisdiction to ignoring the defendant's motions and taking advantage of his incarceration to inflict the maximum pain and damage on him and his family, said Mr. Phillips, the plaintiff.

****VI. Prayer for Relief****

WHEREFORE, Plaintiff respectfully requests that this Court:

- A. Issue a declaratory judgment that Judge Scully's actions violated Plaintiff's rights under the First, Fifth, and Fourteenth Amendments to the United States Constitution;
- B. Issue an injunction preventing Judge Scully from further acts of bias, favoritism, and judicial misconduct;
- C. Award Plaintiff compensatory damages in an amount to be determined by a jury at trial.
- D. Award Plaintiff punitive damages to deter such conduct in the future.
- E. Award Plaintiff reasonable attorneys' fees, costs, and disbursements under 42 U.S.C. § 1988; and
- F. Grant such other and further relief as the Court deems just and proper.

****Respectfully submitted,****


Rassan M Tarabein

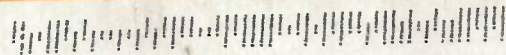
7.27.24

****Plaintiff, Pro Se****

****[Attachments:**

16872-003

Rassen Tarabein
1001 Willow ST
Montgomery FPC
Maxwell AFB, AL 36112
United States



To: U. S. District Court
of Southern Alabama
155 St. Joseph Street
Mobile AL 36602

* New Case filling under 42 U.S.C. § 1983 *
- against Circuit Court Judge Scully -